

302 KAR 38:010. Agricultural Product Logo Program.

RELATES TO: KRS 260.010

STATUTORY AUTHORITY: KRS 260.015

NECESSITY, FUNCTION, AND CONFORMITY: To define terms used in the administration of the Kentucky Agricultural Product Logo Program and establish procedures for the use of the logo.

Section 1. Definitions. Whenever used in this administrative regulation the following terms shall have the meaning as set forth herein:

- (1) The term "department" means the Kentucky Department of Agriculture.
- (2) The term "logo" means the registered trademark of the Kentucky Agricultural Product Logo Program authorized by KRS 260.015.
- (3) The term "license" means written authorization to use the logo.

Section 2. An agricultural logo license shall be valid for one (1) year following the date of issue. The license may be renewed annually.

Section 3. Standards for License Applications. (1) Applicants shall submit on forms prescribed by the department the following, which shall include:

- (a) Applicant's name, address and telephone number;
 - (b) A list of products relating to the use of the logo;
 - (c) Brand names of products relating to the use of the logo;
 - (d) Locations of where said products are grown, processed, manufactured and packaged;
 - (e) States and/or countries where said products are marketed.
- (2) Applicants shall submit a statement of agreement with the department to comply with all requirements of the program, and to use the logo only for agricultural products which meet or exceed applicable federal and industry standards relating to the production, processing, manufacturing, handling and sales of agricultural products.
- (3) Upon receipt of a license application, the department shall within sixty (60) days determine whether a license is approved and shall notify the applicant in writing, setting forth the reasons for approval or denial. The application form Application for Use of "Pride in Kentucky" Label is incorporated by reference. The form is effective October 12, 1990, and may be obtained at the Division of Markets, 63 Wilkinson Boulevard, Frankfort, Kentucky 40601, during regular working hours (from 8 a.m. to 4:30 p.m.).

Section 4. Methods of Enforcement and Penalties for Violations of These Administrative Regulations. (1) The department shall revoke a license to any party failing or refusing to comply with the program requirements.

(2) The department may inspect at reasonable times any area where products licensed for use of the logo are grown, processed, manufactured, stored, packaged or sold.

(3) Any party with cause to believe that any provision of these administrative regulations have been violated may file a written complaint with the department, setting forth the allegations of a violation. The department shall investigate each complaint and provide the complainant with the results of the investigation and any remedial action taken

(4) Any party aggrieved by the notice of revocation of license may appeal the department's decision in writing within ten (10) days of the notice of revocation.

(5) The department shall maintain a hearing committee available to hear complaints by aggrieved parties and rule on appeals. The committee shall consist of the following members:

- (a) The Commissioner of Agriculture or his designee;

- (b) The director of the department's Division of Markets;
- (c) The department's legal counsel;
- (d) Chairman of the Kentucky Agriculture Council or his designee;
- (e) One (1) member of the Kentucky Board of Agriculture.

Section 5. Recordkeeping and Fees. (1) The department shall maintain for four (4) years records of all license applications, licenses issued, complaints, investigations and remedial actions. These records shall be part of the reviewing period of any proceeding involving the program.

(2) Parties receiving a license shall pay to the department a five (5) dollar annual license fee, renewable during the same month of each following year. (17 Ky.R. 1261; Am. 1712; eff. 11-15-90.)